

Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, and the Administrator of General Services.

(g) **PROPERTY.**—Any property acquired by the Commission remaining on termination of the Commission may be—

(1) used by the Secretary for purposes of the National Park Service; or

(2) disposed of as excess or surplus property.

#### SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—The members of the Commission shall receive no compensation for service on the Commission.

(b) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by the Commission.

(3) **COMPENSATION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(1) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) **ADVISORY COMMITTEES.**—The Commission may appoint such advisory committees as the Commission determines necessary.

#### SEC. 9. EXPENDITURES OF COMMISSION.

(a) **IN GENERAL.**—All expenditures of the Commission shall be made solely from—

(1) donated funds; and

(2) funds specifically appropriated for the Commission.

(b) **ADMINISTRATIVE SECRETARIAT.**—The Commission shall seek to enter into an arrangement with USA 250, Incorporated, under which USA 250, Incorporated, shall—

(1) serve as the secretariat of the Commission, including by serving as the point of contact under section 5(e);

(2) house the administrative offices of the Commission;

(3) assume responsibility for funds of the Commission; and

(4) provide to the Commission financial and administrative services, including services related to budgeting, accounting, financial reporting, personnel, and procurement.

(c) **PAYMENT FOR FINANCIAL AND ADMINISTRATIVE SERVICES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), payment for services provided under subsection (b)(4) shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed on by the Chairperson of the Commission and the secretariat of the Commission.

(2) **RELATIONSHIP TO REGULATIONS.**—

(A) **ERRONEOUS PAYMENTS.**—The regulations under section 5514 of title 5, United States Code, relating to the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to, or on behalf of, a Commission employee.

(B) **APPROPRIATIONS.**—The regulations under sections 1513(d) and 1514 of title 31, United States Code, relating to the administrative control of funds, shall apply to appropriations of the Commission.

(C) **NO PROMULGATION BY COMMISSION.**—The Commission shall not be required to prescribe any regulations relating to the matters described in subparagraphs (A) and (B).

(d) **ANNUAL REPORT.**—Once each year during the period beginning on the date of enactment of this Act and ending on December 31, 2027, the Commission shall submit to Congress a report of the activities of the Commission, including an accounting of funds received and expended during the year covered by the report.

#### SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on December 31, 2027.

### RAPID DNA ACT OF 2015

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 462, S. 2348.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2348) to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2348

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Rapid DNA Act of [2015] 2016”.

#### SEC. 2. RAPID DNA INSTRUMENTS.

(a) **STANDARDS.**—Section 210303(a) of the DNA Identification Act of 1994 (42 U.S.C. 14131(a)) is amended by adding at the end the following:

“(5)(A) In addition to issuing standards as provided in paragraphs (1) through (4), the Director of the Federal Bureau of Investigation shall issue standards and procedures for

the use of Rapid DNA instruments and resulting DNA analyses.

“(B) In this [paragraph] Act, the term ‘Rapid DNA instruments’ means instrumentation that carries out a fully automated process to derive a DNA [profile] analysis from a DNA sample.”.

(b) **INDEX.**—Paragraph (2) of section 210304(b) of the DNA Identification Act of 1994 (42 U.S.C. 14132(b)(2)) is amended to read as follows:

“(2) prepared by—

“(A) laboratories that—

“(i) have been accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community; and

“(ii) undergo external audits, not less than once every 2 years, that demonstrate compliance with standards established by the Director of the Federal Bureau of Investigation; or

“(B) criminal justice agencies using Rapid DNA instruments approved by the Director of the Federal Bureau of Investigation in compliance with the standards and procedures issued by the Director under section 210303(a)(5); and”.

#### SEC. 3. CONFORMING AMENDMENTS RELATING TO COLLECTION OF DNA IDENTIFICATION INFORMATION.

(a) **FROM CERTAIN FEDERAL OFFENDERS.**—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (b), by adding at the end the following: “The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.”; and

(2) in subsection (c), by adding at the end the following:

“(3) The term ‘Rapid DNA instruments’ means instrumentation that carries out a fully automated process to derive a DNA [profile] analysis from a DNA sample.”.

(b) **FROM CERTAIN DISTRICT OF COLUMBIA OFFENDERS.**—Section 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135b) is amended—

(1) in subsection (b), by adding at the end the following: “The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.”; and

(2) in subsection (c), by adding at the end the following:

“(3) The term ‘Rapid DNA instruments’ means instrumentation that carries out a fully automated process to derive a DNA [profile] analysis from a DNA sample.”.

Mr. CORNYN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 2348), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2348

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Rapid DNA Act of 2016”.

**SEC. 2. RAPID DNA INSTRUMENTS.**

(a) **STANDARDS.**—Section 210303(a) of the DNA Identification Act of 1994 (42 U.S.C. 14131(a)) is amended by adding at the end the following:

“(5)(A) In addition to issuing standards as provided in paragraphs (1) through (4), the Director of the Federal Bureau of Investigation shall issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analyses.

“(B) In this Act, the term ‘Rapid DNA instruments’ means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.”.

(b) **INDEX.**—Paragraph (2) of section 210304(b) of the DNA Identification Act of 1994 (42 U.S.C. 14132(b)(2)) is amended to read as follows:

“(2) prepared by—

“(A) laboratories that—

“(I) have been accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community; and

“(ii) undergo external audits, not less than once every 2 years, that demonstrate compliance with standards established by the Director of the Federal Bureau of Investigation; or

“(B) criminal justice agencies using Rapid DNA instruments approved by the Director of the Federal Bureau of Investigation in compliance with the standards and procedures issued by the Director under section 210303(a)(5); and”.

**SEC. 3. CONFORMING AMENDMENTS RELATING TO COLLECTION OF DNA IDENTIFICATION INFORMATION.**

(a) **FROM CERTAIN FEDERAL OFFENDERS.**—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (b), by adding at the end the following: “The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.”; and

(2) in subsection (c), by adding at the end the following:

“(3) The term ‘Rapid DNA instruments’ means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.”.

(b) **FROM CERTAIN DISTRICT OF COLUMBIA OFFENDERS.**—Section 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135b) is amended—

(1) in subsection (b), by adding at the end the following: “The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.”; and

(2) in subsection (c), by adding at the end the following:

“(3) The term ‘Rapid DNA instruments’ means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.”.

**JUSTICE FOR ALL****REAUTHORIZATION ACT OF 2016**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 463, S. 2577.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2577) to protect crime victims’ rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italics*.)

S. 2577

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Justice for All Reauthorization Act of 2016”.

**SEC. 2. CRIME VICTIMS’ RIGHTS.**

(a) **RESTITUTION DURING SUPERVISED RELEASE.**—Section 3583(d) of title 18, United States Code, is amended in the first sentence by inserting “, that the defendant make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution,” after “supervision”.

(b) **COLLECTION OF RESTITUTION FROM DEFENDANT’S ESTATE.**—Section 3613(b) of title 18, United States Code, is amended by adding at the end the following: “The liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the release from imprisonment of the person ordered to pay restitution. In the event of the death of the person ordered to pay restitution, the individual’s estate will be held responsible for any unpaid balance of the restitution amount, and the lien provided in subsection (c) of this section shall continue until the estate receives a written release of that liability.”.

(c) **VICTIM INTERPRETERS.**—Rule 28 of the Federal Rules of Criminal Procedure is amended in the first sentence by inserting before the period at the end the following: “, including an interpreter for the victim”.

(d) **GAO STUDY.**—

(1) *IN GENERAL.*—*Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—*

*(A) conduct a study to determine whether enhancing the restitution provisions under sections 3663 and 3663A of title 18, United States Code, to provide courts broader authority to award restitution for Federal offenses would be beneficial to crime victims and what other factors Congress should consider in weighing such changes; and*

*(B) submit to Congress a report on the study conducted under subparagraph (A).*

(2) **CONTENTS.**—*In conducting the study under paragraph (1), the Comptroller General shall focus on the benefits to crime victims that would result if the restitution provisions under sections 3663 and 3663A of title 18, United States Code, were expanded—*

*(A) to apply to victims who have suffered harm, injury, or loss that would not have occurred but for the defendant’s related conduct;*

*(B) in the case of an offense resulting in bodily injury resulting in the victim’s death, to allow the court to use its discretion to award an appropriate sum to reflect the income lost by the victim’s surviving family members or estate as a result of the victim’s death;*

*(C) to require that the defendant pay to the victim an amount determined by the court to restore the victim to the position he or she would have been in had the defendant not committed the offense; and*

*(D) to require that the defendant compensate the victim for any injury, harm, or loss, including emotional distress, that occurred as a result of the offense.*

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.**

(a) **CRIME VICTIMS LEGAL ASSISTANCE GRANTS.**—Section 103(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2264) is amended—

(1) in paragraph (1), by striking “2006, 2007, 2008, and 2009” and inserting “2017 through 2021”;

(2) in paragraph (2), by striking “2006, 2007, 2008, and 2009” and inserting “2017 through 2021”;

(3) in paragraph (3), by striking “2006, 2007, 2008, and 2009” and inserting “2017 through 2021”;

(4) in paragraph (4), by striking “2006, 2007, 2008, and 2009” and inserting “2017 through 2021”; and

(5) in paragraph (5), by striking “2006, 2007, 2008, and 2009” and inserting “2017 through 2021”.

(b) **CRIME VICTIMS NOTIFICATION GRANTS.**—Section 1404E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603e(c)) is amended by striking “2006, 2007, 2008, and 2009” and inserting “2017 through 2021”.

**SEC. 4. REDUCING THE RAPE KIT BACKLOG.**

Of the amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading “STATE AND LOCAL LAW ENFORCEMENT” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “DEPARTMENT OF JUSTICE” in a fiscal year—

(1) not less than 75 percent of such amounts shall be provided for grants for direct testing activities described under paragraphs (1), (2), and (3) of section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)); and

(2) not less than 5 percent of such amounts shall be provided for grants for law enforcement agencies to conduct audits of their backlogged rape kits, including through the creation of a tracking system, under section 2(a)(7) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(7)), and to prioritize testing in those cases in which the statute of limitation will soon expire.

**SEC. 5. SEXUAL ASSAULT NURSE EXAMINERS.**

Section 304 of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) **PREFERENCE.**—

“(1) *IN GENERAL.*—In reviewing applications submitted in accordance with a program authorized, in whole or in part, by this section, the Attorney General shall give preference to any eligible entity that certifies that the entity will use the grant funds to—

“(A) operate or expand forensic nurse examiner programs in a rural area or for an underserved population, as those terms are defined in section 4002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925);